

REMARKS

The Examiner objected to the Declaration filed on February 7, 2008 (and rejected a number of the claims) because the wording of such Declaration did not conform precisely with the wording set forth in 37 C.F.R. 1.63. This objection and the claim rejections are respectfully traversed. The Declaration filed on February 7, 2008 does use the non-conforming language noted by the Examiner. However, the Declaration filed with the original application on August 24, 2001 and the substitute Declaration filed on November 24, 2003 both contain the correct language set forth in 37 C.F.R. 1.63. Thus, any potential defect in the substitute Declaration filed on February 7, 2008 is cured by the correct language used in the two earlier Declarations.

The Examiner also rejected the Claim 48 as improperly recapturing broadened subject matter surrendered in the application for the patent upon which the present reissue is sought. This rejection is respectfully traversed. Claim 48 recites, in pertinent part, a brake system sensor for generating "a second signal representative of a brake system parameter other than the stroke of said brake pedal." The Examiner stated that the arguments made in the application for the patent upon which the present reissue is sought preclude the use of the term "second signal." This interpretation is clearly unreasonable. The arguments made in the application for the patent upon which the present reissue is sought do not preclude the use of the term "second signal" in Claim 48. On the contrary, such term is consistent with such arguments, which are clearly neither directed toward nor limited to the specific two types of signals noted by the Examiner. Accordingly, the rejection is untenable and must be withdrawn.

Respectfully submitted,

/richardsmacmillan/

Richard S. MacMillan
Reg. No. 30,085

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fifth Floor
720 Water Street
Toledo, Ohio 43604
(419) 255-5900